

# Notice of Allowability

Application No.

09/920,973

Examiner

Joon H. Hwang

Applicant(s)

PETROCELLI, ROBERT R.

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## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to a telephone interview with Grant Houston (Reg. No. 35,900) on 7/30/07.
2. ☒ The allowed claim(s) is/are 1,2,5-7,9-25,27,28,31-35,41,44 and 45 (renumbered as 1-32).
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

### Attachment(s)

- |  |  |
|--|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)   | 5. <input type="checkbox"/> Notice of Informal Patent Application  |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date <u>20070730</u> . |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),<br>Paper No./Mail Date _____    | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment  |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance                         |
|  | 9. <input type="checkbox"/> Other _____  |

### **DETAILED ACTION**

1. The applicant requested for reconsideration in the amendment filed on 6/8/07.  
The pending claims are 1-7 and 9-46.

### **EXAMINER'S AMENDMENT**

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.
3. Authorization for this examiner's amendment was given in a telephone interview with Grant Houston (Reg. No. 35,900) on 7/30/07.
4. The application has been amended as follows:

Rewrite claim 1 as follows:

"1. A method for distributed data archiving, comprising the steps of:  
accessing patient medical data from at least one external source;  
segmenting the patient medical data into a plurality of information groups with each information group corresponding to information about a particular patient;  
providing a data archiving system comprised of a plurality of archival storage media;  
storing each information group onto an archival storage media, said information groups being stored on said archival storage media with each information group having

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an identification, the identification being unique from all other information groups stored within said archival storage media and all other archival storage media, enabling said information groups to be independently accessed, within or without the data archiving system in which the information groups were created, and each information group being stored entirely only on one of said plurality of archival storage media by the following steps:

determining an available storage capacity of the storage medium,

comparing the available storage capacity of the storage medium to the information group that is to be stored,

recording the information group on the selected storage medium only if a size of the information group is smaller than the available storage capacity of the storage medium, and

selecting another storage medium if the size of the information group is larger than the available storage capacity of the storage medium;

encoding a unique identifier on said one of said plurality of archival storage media to uniquely identify the storage medium from all other storage media, said encoding step including recording an index file having at least an identifier, a data program, and a self-contained database file for each of said information groups on said one of said plurality of archival storage media, wherein the database file recorded on the archival storage media contains information describing clinical procedures of the patient medical data stored on the archival storage media, and wherein the database file is implemented by Digital Image Communications for Medicine; and

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independently accessing said one of said plurality of archival storage media at a site other than said data archiving system by reading said index file.”;

Rewrite claim 2 as follows:

“2. A method according to claim 1, wherein said archival storage media comprise digital versatile disks (DVDs).”;

Cancel claim 3;

Cancel claim 4;

Rewrite claim 5 as follows:

“5: A method according to claim 1, wherein said information groups comprise meta-data and image data.”;

Rewrite claim 17 as follows:

“17. A distributed data archiving system, comprising:

a user interface for controlling the system, said user interface including a processor for receiving patient medical data from a plurality of external sources and segmenting the patient medical data into a plurality of information groups; and

a memory storage comprised of a plurality of separate archival storage media for storing information groups with each information group corresponding to information about a particular patient, each information group being stored entirely only on one of

said plurality of archival storage media by determining an available storage capacity of the storage medium, comparing the available storage capacity of the storage medium to the information group that is to be stored, recording the information group on the selected storage medium only if a size of the information group is smaller than the available storage capacity of the storage medium, and selecting another storage medium if the size of the information group is larger than the available storage capacity of the storage medium,

each archival storage media comprising: 1) a group information identification, the group information identification being unique from all other information groups stored within said archival storage media and all other archival storage media; 2) a unique identifier to uniquely identify the archival storage media from all other archival storage media; and 3) an index file having a data program and a self-contained database file, for each of said information groups, containing information describing clinical procedures of the information groups stored on the archival storage media, said information groups are independently accessed, within or without the data archiving system in which the information groups were created, wherein the database file is implemented by Digital Image Communications for Medicine, and wherein the archival storage media is independently accessed at a site other than said data archiving system by reading said index file.”;

Claim 19, line 2, delete [said external source], and insert - - “said external sources” - -;

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Claim 20, line 2, delete [said external source], and insert - - "said external sources" - -;

Claim 22, line 2, delete [said on-line storage medium], and insert - - "said on-line storage media" - -;

Claim 23, line 2, delete [said on-line storage medium], and insert - - "said on-line storage media" - -;

Claim 24, line 2, delete [said near-line storage medium], and insert - - "said near-line storage media" - -;

Claim 25, line 2, delete [said off-line storage medium], and insert - - "said off-line storage media" - -;

Cancel claim 26;

Cancel claim 29;

Cancel claim 30;

Rewrite claim 32 as follows:

"32. A method according to claim 1 including independently accessing said one of said plurality of archival storage media by accessing the archival storage media at a clinical imaging station allowing a review of archived images outside of the data archiving system in which the archival storage media was originally created.";

Rewrite claim 33 as follows:

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"33. A method according to claim 1 including encoding an index file that also has an image player.";

Claim 35, line 3, delete [on the storage media], and insert - - "on the archival storage media" - -;

Cancel claims 36-40;

Claim 41, line 2, delete [claim 40], and insert - - "claim 17" - -;

Cancel claim 42;

Cancel claim 43;

Claim 44, line 3, delete [on the storage media], and insert - - "on the archival storage media" - -;

Claim 45, line 3, delete [on the storage media], and insert - - "on the archival storage media" - -; and

Cancel claim 46.

***Allowable Subject Matter***

5. Claims 1-2, 5-7, 9-25, 27-28, 31-35, 41, and 44-45 are allowed.

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Claim 1 and 17 identify the distinct features, an index file having a data program and a self-contained database file, for each of said information groups, containing information describing clinical procedures of the information groups stored on the archival storage media, the database file implemented by Digital Image Communications for Medicine, the archival storage media independently being accessed at a site other than said data archiving system by reading said index file, and each information group being stored entirely only on one of said plurality of archival storage media by determining an available storage capacity of the storage medium, comparing the available storage capacity of the storage medium to the information group that is to be stored, recording the information group on the selected storage medium only if a size of the information group is smaller than the available storage capacity of the storage medium, and selecting another storage medium if the size of the information group is larger than the available storage capacity of the storage medium, are not taught or suggested by the prior art made of records. The closest prior art, Sitka et al. (U.S. Patent No. 6,349,373) disclosing archiving each image group on a single storage medium, fails to suggest to claimed limitations as mentioned above in combination with other claimed elements. The above features in conjunction with all other limitations of the dependent and independent claims 1-2, 5-7, 9-25, 27-28, 31-35, 41, and 44-45 are hereby allowed.



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6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joon H. Hwang whose telephone number is 571-272-4036. The examiner can normally be reached on 9:30-6:00(M~F).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain T. Alam can be reached on 571-272-3978. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



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Technology Center 2100

7/30/07